UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
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JAN 2 8 2008

Donald Sweezy
Regional Design Engineer
New York State Department of Transportation
107 Broadway
Hornell, New York 14843

Dear Mr. Sweezy:

The Environmental Protection Agency (EPA) has reviewed the final environmental impact statement (FEIS) on the New York State (NYS) Route 17, Elmira to Chemung project in the City of Elmira and Towns of Elmira, Ashland and Chemung, New York (CEQ # 20070520). This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act (NEPA).

The FEIS identifies the preferred alternative as Alternative 2, Option B: Interchange east of Reed's Tavern. In our comment letter on the draft environmental impact statement (DEIS), EPA requested that the New York State Department of Transportation (NYSDOT) address the project-related indirect impacts to wetlands and surface waters, and the proposed wetlands and water quality mitigation plans in the FEIS, as discussed further below.

The FEIS describes the direct and indirect wetlands impacts by vegetation type and functional value for the preferred alternative. NYSDOT proposes that several locations in the meanders of the Chemung River could benefit from wetlands creation, expansion or enhancement to serve wetlands functions, as well as improve water quality. Highway stormwater runoff could be directed to various locations for retention in a newly created marsh or shrub swamp prior to reaching the river. To compensate for the unavoidable loss of 3.05 acres of wetlands, a conceptual mitigation plan has been developed for an off-site location in the Town of Caroline, Tompkins County. The plan includes construction of 6.1 acres of forested/scrub-shrub wetlands, a 2:1 replication ratio. However, absent from that discussion is a description of the monitoring program which should be developed and implemented to ensure the success of the replication site in the long term.

The FEIS acknowledges that the Roberts Hollow Creek would be impacted by all of the build alternatives due to replacement of the existing bridge with two bridge structures. To mitigate the impacts to wildlife, the proponent will explore the potential to include benches along the structures to enhance wildlife connectivity. In addition, adverse impacts to unnamed surface waters were determined to be temporary and a consequence of culvert or bridge construction. According to the FEIS, none of the streams would be relocated as a result of any of the build alternatives. Bridges and culverts will be designed to avoid changes in stream morphology, which would in turn minimize adverse impacts to wetlands affected by the flow of these streams.

The FEIS describes the water quality improvements that will be incorporated into the project to minimize the degradation of surface and groundwater quality, and soil erosion. Based on the average salt application rate, surface water analysis results indicated that the annual average chloride concentration in the runoff from the build alternatives would be substantially lower than the drinking water standard for chloride. However, similar analysis resulted in a finding that chloride concentrations at the New Plantation Motel groundwater well were estimated to exceed the drinking water standard for several of the proposed alternatives.

To mitigate the projected impacts, infiltration basins and low gradient vegetated swales will be constructed to increase stormwater retention time, infiltration, and removal of pollutants. NYSDOT estimates that there would be potential reductions in the concentration of dissolved metals of up to 40% through the swales and 80% through the infiltration basins. In addition, infiltration basins will not be placed near the New Plantation Motel. Polyethylene-lined roadway swales and closed drainage systems are under consideration to redirect stormwater runoff away from the well for that facility, where infiltration could adversely impact adjacent groundwater resources. Implementation of the stormwater management system and erosion and sedimentation controls, such as temporary silt fences and straw bale barriers, will be designed to improve water quality during and after construction. As requested by EPA, the Stormwater Pollution Prevention Plan (SWPPP) will include a description of the maintenance schedule for the duration of the project, which will be adjusted based on site conditions.

In summary, the FEIS responds to the majority of issues raised by EPA in our comment letter on the DEIS. EPA recommends that NYSDOT implement a wetlands monitoring protocol as part of the mitigation package for the project.

Thank you for the opportunity to comment. Should you have any questions concerning this letter, please contact LeAndrea Dames of my staff at (212) 637-3705.

Sincerely yours,

John Filippelli, Chief
Strategic Planning and Multi-Media Programs Branch